

FIRST REGULAR SESSION

HOUSE BILL NO. 1160

102ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE SCHWADRON.

2412H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 311.240, 311.280, 311.293, 311.300, and 311.332, RSMo, and to enact in lieu thereof six new sections relating to alcoholic beverages, with penalty provisions.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Sections 311.240, 311.280, 311.293, 311.300, and 311.332, RSMo, are
2 repealed and six new sections enacted in lieu thereof, to be known as sections 311.023,
3 311.240, 311.280, 311.293, 311.300, and 311.332, to read as follows:

**311.023. For purposes of this chapter, the term "close proximity" means within a
2 radius of ten miles measured in a straight line from any part of the primary premises
3 licensed under this chapter.**

311.240. 1. **(1)** On approval of the application and payment of the license tax
2 provided in this chapter, the supervisor of ~~[liquor]~~ **alcohol and tobacco** control shall grant the
3 applicant a license to conduct business in the state for a term to expire with the thirtieth day of
4 June next succeeding the date of such license. **Except as provided in subdivision (2) of this**
5 **subsection**, a separate license shall be required for each place of business. Of the license tax
6 to be paid for any such license, the applicant shall pay as many twelfths as there are months
7 (part of a month counted as a month) remaining from the date of the license to the next
8 succeeding July first.

9 **(2) A holder of a license issued under subdivision (3) of subsection 1 of section**
10 **311.180 shall not be required to obtain a separate license for each location of its**
11 **manufacturing operation. Any such license holder who wishes to add a location to its**
12 **manufacturing operation shall apply for the addition of the location, and the supervisor**

EXPLANATION — Matter enclosed in bold-faced brackets ~~[thus]~~ in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

13 **of alcohol and tobacco control shall add the location to the license holder's existing**
14 **license for no additional fee.**

15 2. No such license shall be effective, and no right granted thereby shall be exercised
16 by the licensee, unless and until the licensee shall have obtained and securely affixed to the
17 license in the space provided therefor an original stamp or other form of receipt issued by the
18 duly authorized representative of the federal government, evidencing the payment by the
19 licensee to the federal government of whatever excise or occupational tax is by any law of the
20 United States then in effect required to be paid by a dealer engaged in the occupation
21 designated in said license. Within ten days from the issuance of said federal stamp or receipt,
22 the licensee shall file with the supervisor of ~~[liquor]~~ **alcohol and tobacco** control a photostat
23 copy thereof, or such duplicate or indented and numbered stub therefrom as the federal
24 government may have issued to the taxpayer with the original.

25 3. Every license issued under the provisions of this chapter shall particularly describe
26 the premises at which intoxicating liquor may be sold thereunder, and such license shall not
27 be deemed to authorize or permit the sale of intoxicating liquor at any place other than that
28 described therein.

29 4. Applications for renewal of licenses must be filed on or before the first day of May
30 of each calendar year.

31 5. In case of failure to submit the completed renewal application required under
32 subsection 4 of this section on or before the first day of May, there shall be added to the
33 amount of the renewal fee a late charge of one hundred dollars from the second day of May to
34 the last day of May; a late charge of two hundred dollars if the renewal application is
35 submitted on the first day of June to the last day of June; or a late charge of three hundred
36 dollars if the renewal application is submitted after the last day of June.

311.280. 1. It shall be unlawful for any person in this state holding a retail liquor
2 license to purchase any intoxicating liquor except from, by or through a duly licensed
3 wholesale liquor dealer in this state. It shall be unlawful for such retail liquor dealer to sell or
4 offer for sale any intoxicating liquor purchased in violation of the provisions of this section.
5 Any person violating any provision of this section shall be deemed guilty of a misdemeanor.

6 2. Any retailer licensed pursuant to this chapter shall not:

7 (1) Sell intoxicating liquor with an alcohol content of less than five percent by weight
8 to the consumer in an original carton received from the wholesaler that has been mutilated,
9 torn apart, or cut apart; ~~[or]~~
10 (2) Repackage intoxicating liquor with an alcohol content of less than five percent by
11 weight in a manner misleading to the consumer or that results in required labeling being
12 omitted or obscured; **or**

13 **(3) Require any seal that has been affixed to a bottle or package of intoxicating**
14 **liquor to be broken or torn before a consumer who purchases the intoxicating liquor is**
15 **permitted to carry out the intoxicating liquor from the premises of the retailer.**

311.293. 1. Except for any establishment that may apply for a license under section
2 311.089, any person possessing the qualifications and meeting the requirements of this
3 chapter, who is licensed to sell intoxicating liquor at retail, may apply to the supervisor of
4 alcohol and tobacco control for a special license to sell intoxicating liquor at retail between
5 the hours of 6:00 a.m. on Sundays and 1:30 a.m. on Mondays. A licensee under this section
6 shall pay to the director of revenue an additional fee of two hundred dollars a year payable at
7 the same time and in the same manner as its other license fees.

8 2. In addition to any fee collected pursuant to section 311.220, a city or county may
9 charge and collect an additional fee not to exceed three hundred dollars from any licensee
10 under this section for the privilege of selling intoxicating liquor at retail between the hours of
11 6:00 a.m. on Sundays and 1:30 a.m. on Mondays in such city or county; however the
12 additional fee shall not exceed the fee charged by that city or county for a special license
13 issued pursuant to any provision of this chapter which allows a licensee to sell intoxicating
14 liquor by the drink for consumption on the premises of the licensee on Sundays.

15 3. The provisions of this section regarding the time of closing shall not apply to any
16 person who possesses a special permit issued under section 311.174, 311.176, or 311.178.

17 **4. A holder of a license issued under subsection 1 of section 311.200 shall be**
18 **exempt from the provisions of this section and allowed to sell intoxicating liquor at retail**
19 **between the hours of 6:00 a.m. on Sundays and 1:30 a.m. on Mondays without obtaining**
20 **a special license or paying any additional fee under this section if:**

21 **(1) Such license holder sells and offers only products that are kosher as**
22 **described in section 196.165; and**

23 **(2) The premises of such license holder are closed to the public on Saturdays**
24 **according to the normal business hours of the premises.**

311.300. 1. Except as provided in this section, no person under the age of twenty-one
2 years shall sell or assist in the sale or dispensing of intoxicating liquor.

3 2. In any place of business licensed in accordance with section 311.200, persons ~~at~~
4 ~~least~~ eighteen years of age **or older** may stock, arrange displays, operate the cash register or
5 scanner connected to a cash register and accept payment for, and sack for carryout,
6 intoxicating liquor. **Persons eighteen years of age or older may carry out intoxicating**
7 **liquor to a purchaser's vehicle in a parking lot adjacent to the licensed premises, so long**
8 **as the sale was made inside the licensed business premises in compliance with this**
9 **chapter to ensure the purchaser is twenty-one years of age or older.** Delivery of
10 intoxicating liquor away from the licensed business premises cannot be performed by anyone

11 under the age of twenty-one years. Any licensee who employs any person under the age of
12 twenty-one years, as authorized by this subsection, shall, when at least fifty percent of the
13 licensee's gross sales does not consist of nonalcoholic sales, have an employee twenty-one
14 years of age or older on the licensed premises during all hours of operation.

15 3. In any distillery, warehouse, wholesale distributorship, or similar place of business
16 which stores or distributes intoxicating liquor but which does not sell intoxicating liquor at
17 retail, persons at least eighteen years of age may be employed and their duties may include
18 the handling of intoxicating liquor for all purposes except consumption, sale at retail, or
19 dispensing for consumption or sale at retail.

20 4. Any wholesaler licensed pursuant to this chapter may employ persons of at least
21 eighteen years of age to:

22 (1) Rotate, stock and arrange displays at retail establishments licensed to sell
23 intoxicating liquor; and

24 (2) Unload delivery vehicles and transfer intoxicating liquor into retail licensed
25 premises if such persons are supervised by a delivery vehicle driver who is twenty-one years
26 of age or older.

27 5. Persons eighteen years of age or older may, when acting in the capacity of a waiter
28 or waitress, accept payment for or serve intoxicating liquor in places of business which sell
29 food for consumption on the premises if at least fifty percent of all sales in those places
30 consists of food; provided that nothing in this section shall authorize persons under twenty-
31 one years of age to mix or serve across the bar intoxicating beverages.

311.332. 1. It shall be unlawful for any wholesaler licensed to sell intoxicating liquor
2 and wine containing alcohol in excess of five percent by weight to persons duly licensed to
3 sell such intoxicating liquor and wine at retail, to discriminate between retailers or in favor of
4 or against any retailer or group of retailers, directly or indirectly, in price, in discounts for
5 time of payment, or in discounts on quantity of merchandise sold, or to grant directly or
6 indirectly any discount, rebate, free goods, allowance or other inducement, excepting a
7 discount not in excess of one percent for quantity of liquor and wine, and a discount not in
8 excess of one percent for payment on or before a certain date. The delivery of manufacturer
9 rebate coupons by wholesalers to retailers shall not be a violation of this subsection.

10 2. Manufacturers or wholesalers shall be permitted to donate or deliver or cause to be
11 delivered beer, wine, **distilled spirits**, or brandy for nonresale purposes to any unlicensed
12 person or any licensed retail dealer who is a charitable or religious organization as defined in
13 section 313.005 or educational institution, at any location or licensed premises, provided,
14 such beer, wine, **distilled spirits**, or brandy is unrelated to the organization's or institution's
15 licensed retail operation. A charge for admission to an event or activity at which beer, wine,
16 **distilled spirits**, or brandy is available without separate charge shall not constitute resale for

17 the purposes of this subsection. Wine used in religious ceremonies may be sold by
18 wholesalers to a religious organization as defined in section 313.005. Any manufacturer or
19 wholesaler providing nonresale items shall keep a record of any deliveries made pursuant to
20 this subsection.

21 3. Manufacturers, wholesalers, retailers and unlicensed persons may donate **beer,**
22 **wine, distilled spirits, or brandy** in the original package to a charitable or religious
23 organization as defined in section 313.005 or educational institution for the sole purpose of
24 being auctioned by the organization or institution for fund-raising purposes, provided the
25 ~~[auction takes place on a retail-licensed premises and all]~~ proceeds from the sale go into a
26 fund of an organization or institution that is unrelated to any licensed retail operation.

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